

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.2337 of 2020

IN CRL.A.NO.127 of 2020

S.PURUSHOTHAMAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY IV.
CR.NO.03/AC/2008/CC-III.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence dated 22.01.2020 passed in CC.No.1/2011 against the petitioner/Appellant by the Special Court for the cases under Prevention of Corruption Act, at Chennai-104 pending disposal of the above Crl.A.NO.127 of 2020.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.SAMPATH KUMAR, Advocate for the petitioner, and of MR. C.IYYAPPARAJ, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

Appellant was convicted for the offence under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and was sentenced to undergo 1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for three months for the offence under Section 7 of Prevention of Corruption Act, 1988 ; to undergo 1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for three months for the offence under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, by the learned Special Judge, the Special Court for the cases under Prevention and Corruption Act, Chennai, under judgment in C.C.No.1 of 2011 dated 22.01.2020. The sentences were ordered to run concurrently. Hence, the appellant seeks suspension of sentence.

2.The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that though the suspension of sentence was granted by the trial Court, however, the appellants are surrendered before the trial Court on 24.02.2020 and for the last five days they are in Prison and further the petitioner/appellant is aged about 58 years, he is suffering for other aged ailments. Hence he prays for suspend the sentence.

3.Heard the submissions of the learned Additional Public Prosecutor appearing for state.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the appellants are entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellants shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Special Judge, the Special Court for the cases under Prevention and Corruption Act, Chennai and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal. Notice.

-sd/-
28/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE SPECIAL JUDGE, THE SPECIAL COURT FOR THE
CASES UNDER PREVENTION AND CORRUPTION ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CHENNAI CITY IV.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

+1 C.C. to M/S.R.SAMPATH KUMAR Advocate on payment of necessary charges SR.NO.4153

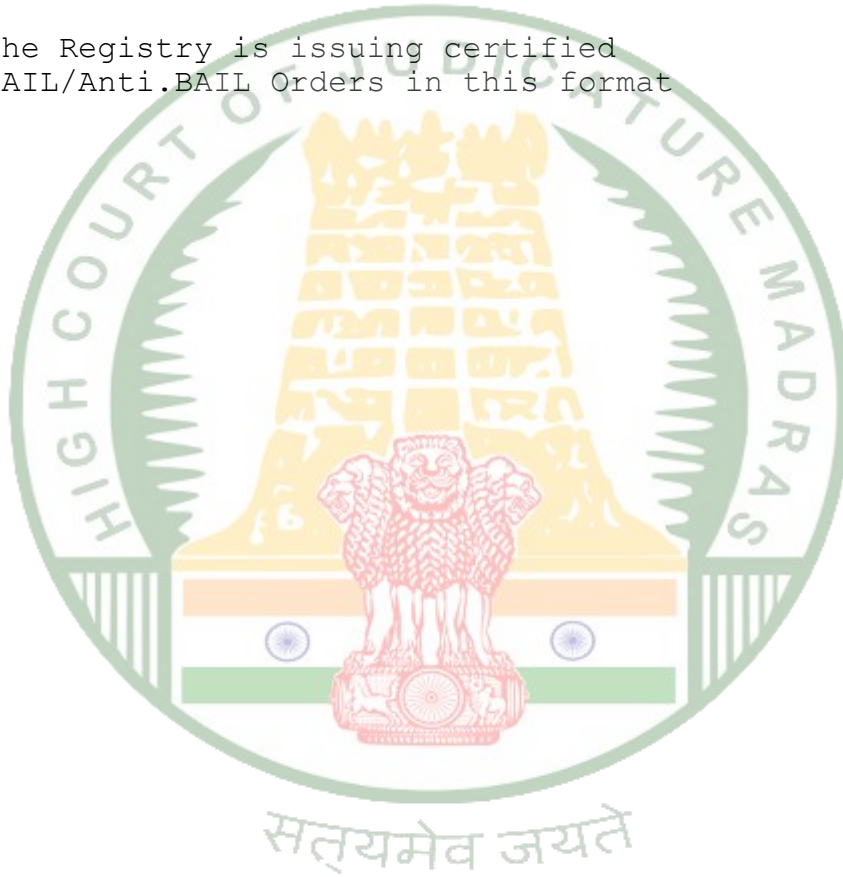
Order

in
CRL MP.2337/2020
in
CRL.A.NO.127/2020

Date :28/02/2020

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TA-04/03/2020



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